

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

RICHARD M. ZELMA
Richard M. Zelma, *Pro Se*
940 Blanch Avenue
Norwood, New Jersey 07648
TCPALAW@optonline.net
Tel: 201 767 8153

<p>RICHARD ZELMA, pro se, Plaintiff, v. JONATHAN SEIBERT, VISION SOLAR, LLC, d/b/a/ VISION SOLAR NJ, LLC, d/b/a/ VISION SOLAR FL, LLC, d/b/a/ ENERGY- XCHANGE, MARK GETTS, SOLAR XCHANGE, Inc., and TELEMARKETER[S] CALLING FROM (908) 275-3308; (800) 746-7748; (818) 702-1899; and (609) 893-5078, Defendants</p>	<p>Case No.: 2:20-cv-20595-KM-ESK</p>
---	--

JOINT STIPULATION OF DISMISSAL WITH PREJUDICE

Pursuant to Local Rule of Civil Procedure 41.1, and Federal Rule of Civil Procedure 41, as well as the Court's Policies and Procedures, Plaintiff Richard Zelma, *pro se* ("Zelma" or "Plaintiff") and Defendants Jonathan Seibert and Vision Solar, LLC (collectively, "Vision Defendants") jointly seek an order from the Court dismissing this lawsuit with respect to Vision Defendants, and jointly aver as follows:

1. Plaintiff initiated this lawsuit by filing his Complaint alleging violations of the Telephone Consumer Protection Act, 47 U.S.C. §227 et seq. ("TCPA"), in the Superior Court of New Jersey on or about December 1, 2020. See ECF No. 1, at Ex. 1.

2. On December 30, 2020, Vision Defendants timely removed Plaintiff's lawsuit to the United States District Court for the District of New Jersey. See ECF No. 1.

3. On January 20, 2021, Vision Defendants filed a motion to dismiss Plaintiff's complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim. See ECF No. 10.

4. On February 26, 2021, Plaintiff filed an amended complaint against the same defendants in Plaintiff's original complaint. See ECF No. 17.

5. On March 12, 2021, Vision Defendants filed a motion to dismiss Plaintiff's first amended complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim. See ECF No. 19.

6. The Court has not yet ruled on Vision Defendants' motion to dismiss Plaintiff's first amended complaint.

7. Plaintiff and Vision Defendants have served written discovery on one another, and have exchanged written responses.

8. In light of the foregoing, Plaintiff seeks an Order from this Court, voluntarily dismissing the Vision Defendants from Plaintiff's Complaint, with prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and Local Rule 41.1, with each party to bear its own cost, expenses and legal fees.

9. The Plaintiff and Vision Defendants file this stipulation jointly.

Respectfully submitted:

FOX ROTHSCHILD LLP

By: /s/ Colin Dougherty
Colin D. Dougherty
10 Sentry Parkway
Suite 200, P.O. Box 3001
Blue Bell, PA 19422
Telephone: (610) 397-6500
Fax: (610) 397-0450
cdougherty@foxrothschild.com

By: /s/ Richard M. Zelma
Richard Zelma, *pro se*
940 Blanch Avenue
Norwood, NJ 07648
tcpalaw@optonline.net

Plaintiff, Pro Se

Attorney for Jonathan Seibert and Vision Solar

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

RICHARD M. ZELMA
Richard M. Zelma, *Pro Se*
940 Blanch Avenue
Norwood, New Jersey 07648
TCPALAW@optonline.net
Tel: 201 767 8153

<p>RICHARD ZELMA, pro se, Plaintiff, v. JONATHAN SEIBERT, VISION SOLAR, LLC, d/b/a/ VISION SOLAR NJ, LLC, d/b/a/ VISION SOLAR FL, LLC, d/b/a/ ENERGY- XCHANGE, MARK GETTS, SOLAR XCHANGE, Inc., and TELEMARKETER[S] CALLING FROM (908) 275-3308; (800) 746-7748; (818) 702-1899; and (609) 893-5078, Defendants</p>	<p>Case No.: 2:20-cv-20595-KM-ESK</p>
---	--

ORDER TO DISMISS WITH PREJUDICE

AND NOW, on this 1st day of June, 2021, by stipulation of the plaintiff, Richard Zelma, pro se (“Plaintiff”), and defendants Jonathan Seibert and Vision Solar, LLC (“Vision Defendants”), in accordance with Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and Local Rule 41.1, Plaintiff’s above captioned lawsuit is hereby dismissed with prejudice as to Vision Defendants only, pursuant to the agreement of counsel where neither party will seek costs, expenses or legal fees against the other. This ORDER shall end this lawsuit with respect to Vision Defendants.

/s/ Kevin McNulty

Hon. Kevin McNulty
U.S. District Judge